

1 Sean V. Small
2 Lasher Holzapfel Sperry &
3 Ebberson PLLC
4 601 Union Street, Suite 2600
5 Seattle, WA 98101-4000
6 (206) 624-1230

Hon. Barbara J. Rothstein

7
8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE WESTERN DISTRICT OF WASHINGTON
10 AT SEATTLE

11 HTP, Inc., a Washington corporation,

12 Plaintiff,

13 vs.

14 FIRST MERIT GROUP HOLDINGS, INC.,
15 et al.

16 Defendants.

NO. 2:21-cv-00732-BJR

ORDER GRANTING IN PART
STIPULATION TO EXTEND (1)
DEADLINES IN ORDER SETTING
TRIAL DATE AND RELATED
DATES AND (2) DEADLINES
RELATED TO DEFENDANTS'
MOTION FOR SUMMARY
JUDGMENT

17
18
19 **I. STIPULATION**

20 Counsel for all parties conferred on August 27, 2024 regarding the Court's Order Setting Trial
21 Date and Related Dates (ECF No. 100), the Court's order Extending Deadlines in Order Setting Trial
22 Date and Related Dates (ECF No. 130), and other aspects of the case. The parties are attempting to
23 resolve this dispute, have been engaged in sustained efforts to frame a potential resolution, and have
24 made significant progress in this effort. However, the resolution the parties are pursuing contemplates
25 a complicated business transaction that requires review and approval from third parties. While the

1 parties are cautiously optimistic this transaction and subsequent settlement will come to fruition, it
 2 will simply take time. To allow the parties and the third-parties sufficient time to develop and review
 3 this potential settlement, with the hope of conserving judicial resources and the resources of the
 4 parties to this case, counsel agreed to the following stipulation.
 5

6 Whereas, defendants First Merit Group Holdings Inc., Nanogen Technologies Group, Inc.,
 7 Barry Lee, Anthony Dutton, David Richardson, and Evan Johnson (“Defendants”) filed a Motion for
 8 Summary Judgment (“Motion”) on August 12, 2024 (Dkt. No. 138), in advance of the October 4,
 9 2024 deadline for dispositive motions provided in this Court’s Stipulated Motion to Amend
 10 Scheduling Order, and Order dated April 29, 2024 (“Scheduling Order”) (Dkt. No. 130); and
 11

12 Whereas, the opposition to the motion by Plaintiff HTP, Inc. (“HTP”) is due on Tuesday,
 13 September 3, 2024, under the briefing deadlines established by the Court’s Standing Order in a Civil
 14 Case and due to the Labor Day holiday; and
 15

16 Whereas, HTP has requested additional time to respond to the Motion due to competing
 17 obligations of counsel and in light of advanced discussions to resolve the parties’ dispute, and
 18 Defendants consent to this request, and
 19

20 Whereas, the Parties have agreed to the following modifications of the Court’s Order Setting
 21 Trial Date and Related Dates as follows:
 22

- 23 1. The Deadline for HTP’s response to the Motion is extended from September 3, 2024,
 24 until September 24, 2024.
- 25 2. The Deadline for Defendants’ reply in support of the Motion is extended from
 September 17, 2024, until October 8, 2024.
3. The Deadline for Report from Expert Witness under FRCP 26(a)(2) is extended from
 August 25, 2024 to March 10, 2025.

4. The Deadline for Discovery Completed is extended from September 4, 2024 to March 17, 2024.
5. The Deadline for All Dispositive Motions must be Filed By is extended from October 4, 2024 to April 16, 2024.
6. The Deadline for All Motions In Limine must be Filed By is extended from January 27, 2025 to August 8, 2025.
7. The Deadline for Joint Pretrial Statement is extended from February 3, 2025 August 20, 2025.
8. The Deadline for Pretrial Conference is extended from February 17, 2025 to September 2, 2025.
9. The Trial Date is continued from March 3, 2025 to September 15, 2025.

Plaintiff and Defendants stipulate that good cause exists for the continuance of the above deadlines as a result of the parties' ongoing settlement discussions, the need for additional time to prepare for trial, and in the interest of justice.

II. ORDER

The parties' stipulated request is hereby GRANTED in part as follows:

1. The Deadline for HTP's response to the Motion is extended from September 3, 2024, until September 24, 2024.
2. The Deadline for Defendants' reply in support of the Motion is extended from September 17, 2024, until October 8, 2024.
3. The Deadline for Report from Expert Witness under FRCP 26(a)(2) is extended from August 25, 2024 to November 25, 2024.
4. The Deadline for Discovery Completed is extended from September 4, 2024 to

December 3, 2024.

5. The Deadline for All Dispositive Motions must be Filed By is extended from October 4, 2024 to January 2, 2025.
6. The Deadline for All Motions In Limine must be Filed By is extended from January 27, 2025 to April 28, 2025.
7. The Deadline for Joint Pretrial Statement is extended from February 3, 2025 to May 5, 2025.
8. The Deadline for Pretrial Conference is extended from February 17, 2025 to May 19, 2025.
9. The Trial Date is continued from March 3, 2025 to June 2, 2025.

DATED this 3rd day of September, 2024.



Barbara Jacobs Rothstein
U.S. District Court Judge

Respectfully submitted by,

K&L GATES LLP

s/ Peter A. Talevich

Philip M. Guess, WSBA # 26765
Peter A. Talevich, WSBA # 42644
Emaan Jaber, WSBA # 56990
925 Fourth Ave., Suite 2900
Seattle, WA 98104-1158
Phone: (206) 623-7580
Fax: (206) 623-7022

STIPULATION TO EXTEND DEADLINES IN ORDER
SETTING TRIAL DATE AND RELATED DATES, AND
ORDER - 4

508086696.1



ATTORNEYS AT LAW
2600 TWO UNION SQUARE
601 UNION STREET
SEATTLE WA 98101-4000
TELEPHONE 206 624-1230
Fax 206 340-2563

1 Email : philip.guess@klgates.com
2 peter.talevich@klgates.com

3 *Attorneys for Plaintiffs*

4 LASHER HOLZAPFEL
5 SPERRY & EBBERSON PLLC

6 /s/ Sean V. Small

7 /s/ Julie M. Pendleton

8 Sean V. Small, WSBA #37018

9 Julie M. Pendleton, WSBA #52882

10 601 Union St., Suite 2600

11 Seattle, WA 98101

12 Phone: (206) 624-1230

13 Fax: (206) 340-2563

14 Email: small@lasher.com

15 pendleton@lasher.com

16 *Attorneys for Defendants*

17
18
19
20
21
22
23
24
25

STIPULATION TO EXTEND DEADLINES IN ORDER
SETTING TRIAL DATE AND RELATED DATES, AND
ORDER - 5

508086696.1



ATTORNEYS AT LAW
2600 TWO UNION SQUARE
601 UNION STREET
SEATTLE WA 98101-4000
TELEPHONE 206 624-1230
Fax 206 340-2563